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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/773,082 | 02/05/2004 | Shigeaki Sasaki | D3301-00131 | 6034 |

8933 7590 12/27/2005

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| EXAMINER |
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HUNNINGS, TRAVIS R

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| ART UNIT | PAPER NUMBER |
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2632

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,082

Applicant(s)

SASAKI ET AL.

Examiner

Travis R. Hunnings

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1 rejected under 35 U.S.C. 102(a) as being anticipated by Activ8 (Activ8 Three On User's Guide and Activ8 Three Technical Specification Sheet).

Regarding claim 1, Activ8 discloses the following claimed limitations:

The claimed radio-wave transmitter-receiver section forming a radio-wave detection zone for detecting an object at a location remote from said door is met by the radar motion sensing field (Activ8 User's Manual page 2);

The claimed light emitter-receiver section for forming an optical detection zone for detecting an object at a location along and closer to said door is met by the IR presence sensing field (Activ8 User's Manual page 3);

The claimed light emitter-receiver section including optical detection zone modifying means which increases or decreases a depth dimension of said optical detection zone in a direction perpendicular to said door is met by the IR presence sensing field adjustment depth (Activ8 User's Manual page 3).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 2 is again rejected under 35 U.S.C. 103(a) as being unpatentable over Activ8 in view of Chasek (US Patent 4,317,117) for the record.

Regarding claim 2, Activ8 discloses all of the claimed limitations except for the claimed optical detection zone modifying means comprising reflecting means for reflecting light beams emitted by said light emitter-receiver section and light-collecting means for collecting light beams to be received by said light emitter-receiver section, said reflecting means and said light-collecting means collaborating to increase or decrease the depth dimension of said optical detection zone. Chasek discloses *Cross Correlated Doppler Radar/Infra Red Velocity And Presence Sensor* that teaches using a parabolic reflector for infrared energy for adjusting the transmission and reception of the infrared sensor (column 1, lines 44-49). Modifying the Activ8 device to include a parabolic reflector would increase the ability of the device to adjust the detection field and therefore provide a greater range of detection. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Activ8 according to the teachings of Chasek to include a parabolic reflector to allow the device to adjust the light emitter and receiver.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Activ8 in view of Clifton et al. (Clifton; US Patent 5,914,655).

Regarding claim 8, Activ8 discloses the following claimed limitations:

The claimed first detection zone for detecting an object with a radio wave at a location remote from said door is met by the radar motion sensing field (Activ8 User's Manual page 2);

The claimed second detection zone for detecting an object with light beams at a location along and closer to said door is met by the IR presence sensing field (Activ8 User's Manual page 3).

However, Activ8 does not explicitly disclose the claimed sensor including invalidating means for making a result of detection in said second detection zone invalid when an environmental condition around said door affects said result of detection in said second detection zone. Clifton discloses *Self-Compensating Intruder Detector System* that teaches a detection system that ignores sensor signals when there is rain causing false signals (column 6, lines 1-12). Altering the sensors of Activ8 to account for rain and ignore signals caused by rain would help keep the door from opening unnecessarily and lower heating/cooling expenses along with preventing false openings. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Activ8 according to the teachings

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of Clifton to utilize a detection system that ignores signals when it is affected by an environmental condition.

Allowable Subject Matter

6. Claims 4-6, 9 and 10 are allowed.

Response to Arguments

7. Applicant's arguments filed 5 December 2005 have been fully considered but they are not persuasive. Applicant argues the following:

Argument A: With regards to claim 1, Activ8 does not disclose means by which the depth of the curtain detection field can be increased or decreased.

Responses:

Regarding argument A, the Activ8 user's guide clearly shows the IR presence sensing field being able to be modified in a depth direction (section 7). The device can change the angle which the curtain is projected onto the floor as can be seen in section 7, and therefore inherently the depth of the field would be increased as the curtain is moved farther away from the door because even though the two curtains remain the same distance apart, the depth of the portion that is projected on the floor would increase.

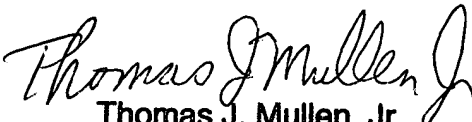
8. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632

TRH